

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

IN RE: : Case No. 19-10020
: Chapter 13
WALTER J. MIDGLEY, JR. : Judge Buchanan
JO ANN MIDGLEY :
: **MEMORANDUM IN OPPOSITION TO**
Debtor(s). : **TRUSTEE'S MOTION TO DISMISS**
: **(DOC. NO. 29)**

The Chapter 13 Trustee filed a Motion to Dismiss this proceeding because Debtors failed to make payments pursuant to the confirmed Plan. Debtors' Plan remains feasible at 100%, but Debtor Walter J. Midgley, Jr. died on December 17, 2019 (Doc. No. 30) and Joint Debtor has not yet confirmed what her retirement benefits will be henceforth. Dismissal of this proceeding would be inappropriate, would impose an undue burden upon Joint Debtor, and would fail to serve the interests of justice and judicial economy. For these reasons, Joint Debtor respectfully requests that the Motion to Dismiss be overruled.

Respectfully submitted,

/s/ L. JOSHUA DAVIDSON
L. Joshua Davidson (0062372)
Attorney for Debtor(s)
8035 Hosbrook Road, Suite 200
Cincinnati, OH 45236
Tel. No. (513) 793-5297
Fax No. (513) 793-5462
Email: josh@omdlaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing Memorandum was served electronically to all ECF participants registered in this case on the date of filing through the court's ECF System, and ordinary mail to the parties listed below; this 10th day of February, 2020.

/s/ L. JOSHUA DAVIDSON
Joshua Davidson

Jo Ann Midgley
288 Plum Street
Owensville, OH 45160